

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	
	*	CASE NO. 16-01980/MCF
EDGAR AGOSTO RODRIGUEZ	*	
	*	CHAPTER 13
DEBTOR	*	

**DEBTOR'S MOTION REQUESTING COURT AUTHORIZATION
TO INCUR IN CREDIT PURSUANT TO FRBP RULE 4001**

TO THE HONORABLE COURT:

NOW COMES, **EDGAR AGOSTO RODRIGUEZ**, the debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. On March 14, 2016, the debtor filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.* This Honorable Court entered an *Order* confirming the debtor's proposed Plan on August 19, 2016, docket no. 16.

2. The debtor is making current confirmed Plan payments of \$175.00 to the Chapter 13 Trustee.

3. The debtor is a "Fireman" working for the Puerto Rico Fire Department for approximately eleven (11) years. The Debtor has three (3) dependents, all minor age children, ages 15, 12, and 7 years old.

4. The debtor owned and used a 1997 Hyundai Accent (this motor vehicle did not appear registered at the DTOP under the debtor's name but the same was still registered under the name of a 3rd party), being this vehicle the debtor's only means of transportation to and from work. The debtor was recently involved in a car accident wherein the above described motor vehicle resulted in a "total loss". Due to the severity of said accident, the car cannot be repaired.

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5. It is debtor's intention to purchase a used vehicle, a 1999 Hyundai Elantra, the same to be acquired from a "private party" for the total sum of \$1,400.00. The debtor is willing to renew his retirement loan in order to obtain the required funds to pay for the purchase of this used vehicle.

6. The debtor needs to renew his personal loan with the Puerto Rico Retirement System ("Sistema Retiro de Gobierno"), which loan will be guaranteed with debtor's retirement funds.

7. The debtor has been issued a "pre-qualification" for said loan renewal (in the sum of \$5,000.00 to pay off the actual loan and net proceeds of \$1,617) for which he will pay monthly installments of approximately \$111.22, for sixty (60) months. It is to be noted that the debtor is currently paying the sum of \$93.44 for a personal loan with Sistema de Retiro de Gobierno, through monthly employer deductions.

8. The debtor would receive the sum of \$1,617.00 as net proceeds from the renewal of this personal loan, which sum will be used for the purchase of a much needed car which is debtor's only means of transportation to and from work.

9. The debtor is current in the confirmed Plan payments to the Trustee and respectfully understands that she has the financial ability to incur in the personal loan with *Sistema de Retiro de Gobierno*, to pay the \$111.22 per month, thus, he respectfully requests that the Court grant him authorization to incur in this post-petition credit, allowing the debtor to continue with the loan closing process.

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10. The debtor hereby requests authorization from the Court to:

a. incur in a post-petition loan in the sum of \$5,000.00 to renew the debtor's actual retirement loan with "*Sistema Retiro de Gobierno*", with net loan proceeds of \$1,617.00.

11. Based on the aforementioned, the debtor respectfully requests this motion be granted and the Court enter an Order allowing debtor to incur in the post-petition loan as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, debtor respectfully requests this Honorable Court grant the present motion authorizing the debtor's request to incur in post-petition credit, as herein submitted.

NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to the Chapter 13 Trustee and all system participants; I also certify that a copy of this motion was sent via US

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Mail to the debtor; and to all creditors and parties in interest appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 07th day of November, 2016.

/s/Roberto Figueroa Carrasquillo
USDC #203624
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR DEBTOR
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 FAX 787-746-5294
Email: rfigueroa@rfclawpr.com

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Case 16-01980-MCF13
District of Puerto Rico
Old San Juan
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US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

AEELA
PO Box 364508
San Juan, PR 00936-4508

AT&T Mobility Puerto Rico, Inc.
%AT&T SERVICES INC.
KAREN A. CAVAGNARO LEAD PARALEGAL
ONE AT&T WAY, SUITE 3A104
BEDMINSTER, NJ 07921-2693

Att Services
PO Box 192830
San Juan, PR 00919-2830

BANCO POPULAR DE PUERTO RICO (PBDS B0015-119
PO BOX 362708
SAN JUAN, PUERTO RICO 00936-2708

Banco Popular de Puerto Rico
Mortgage Servicing Department
PO Box 362708
San Juan, PR 00936-2708

EMP. BERRIOS FINANCIERA
P.O. BOX 674
CIDRA, PR 00739-0674

FIRST BANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION - CODE 248
PO BOX 9146, SAN JUAN PR 00908-0146

Martinez & Torres Law Offices, PSC
Carla M Nevarez Perez, Esq.
PO Box 192938
San Juan, PR 00919-3409

Miguel A Maza Perez & Associates PSC
PO Box 364028
San Juan, PR 00936-4028

Operating Partners CO LLC
PO Box 194499
San Juan, PR 00919-4499

Santander
PO Box 71504
San Juan, PR 00936-8604

Scotiabank De Puerto R
PO Box 2394
San Juan, PR 00936

Sistema de Retiro ELA
PO Box 42003
San Juan, PR 00940-2203

Synchrony Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

(PBDS) BANCO POPULAR DE PUERTO RICO
PO BOX 362708
SAN JUAN, PR 00936-2708

EDGAR AGOSTO RODRIGUEZ
JARDINES DE YABUCOA 1029 CALLE ITALIA
YABUCOA, PR 00767-3124

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

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Mailable recipients 20
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